



01-12-01

PATENTDocket No. GI2129.US2D

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Francis G. Fang and Shiping Xie

For (title): **METHOD FOR PREPARING CAMPTOTHECIN DERIVATES**

1. Type of Application

This new application is for a(n) (*check one applicable item below*):

 Original Design Divisional Continuation Continuation-in-part (CIP)**2. Benefit of Prior Application(s)**

Any prior applications are hereby incorporated by reference into the patent application filed herewith.

A. Relate Back

Amend the specification by inserting, before the first line, the following sentence(s):

(1) 35 U.S.C. 119(e)

"This application claims the benefit of U.S. Provisional Application(s) No(s).
_____ filed _____

(2)(a) 35 U.S.C. 120, 121 and 365(c)

"This application is a
 continuation
 continuation-in-part
 divisional

of copending application(s)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this "New Application Transmittal" and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 11, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EI751237875US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Vicki Collins

(Type or print name of person mailing paper)

Vicki Collins

(Signature of person mailing paper)

application no. U.S.S.N. 09/638,945 filed August 15, 2000
which is a divisional of application no. U.S.S.N. 09/068,185 filed
May 14, 1998, now Patent No. 6,143,891, which is a 371 of PCT/
US96/17574 filed November 1, 1996, and claims benefit of U.S.S.N.
Provisional no. U.S.S.N. 60/006,138 filed November 2, 1995.

(2)(b) "Application number
claims the benefit of U.S. Provisional Application No.

B. Relate Back--35 U.S.C. 119 Priority Claim

This or a prior U.S. application(s), identified above in Item 2a, claim(s) foreign priority(ies) as follows:

| Country | Appl. No. | Filed on |
|---------|-----------|----------|
|---------|-----------|----------|

C. Maintenance of Copendency of Prior Application

- Extension of time and/or response in the copending **prior** application extended the time for response until _____.
 A copy of the petition filed in the copending prior application is attached.
 A Conditional Petition for Extension of Time was filed in the copending prior application.

D. Abandonment of Prior Application

- Please abandon the prior application at a time (1) while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and (2) when this application is granted a filing date, whereby this application is copending with said prior application.

E. Notification in Parent Application of This Filing

- A notification of the filing of this
 continuation
 continuation-in-part
 divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

3. Papers Enclosed Which Are Required for Filing Date Under 37 CFR 1.53 (b) (Regular) or 37 CFR 1.153 (Design) Application

- 18 Pages of specification
8 Pages of claims
1 Pages of Abstract
Sheets of drawing
 formal
 informal

4. Declaration or Oath

- Enclosed (copy from immediate parent application) executed by (*check all applicable boxes*)
 inventor(s).
 legal representative of inventor(s). 37 CFR 1.42 or 1.43
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 14 below for fee.
- Not enclosed.
 Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all the above named inventor(s)*.
 Showing that the filing is authorized.

5. Inventorship Statement

The inventorship for all the claims in this application are:

- The same
 Are not the same.

6. Language

- English
 non-English
 the attached translation is a verified translation. 37 CFR 1.52 (d).

7. Assignment

- the prior application is assigned of record to:
GLAXO WELLCOME INC.

-
- is attached.
 A separate "RECORDATION FORM COVER SHEET" is also attached.
 A separate FORM PTO 1906 is also attached.
 will follow.

8. Certified Copy

Certified copy(ies) of application(s)

| (country) | (application no.) | (filed) |
|-----------|-------------------|---------|
|-----------|-------------------|---------|

from which priority is claimed

- is(are) attached.
 will follow.

9. Amendments

- There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File An Amendment
- Cancel in this application original claims - _____ before calculating the filing fee.
- Claims added by preliminary amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application. Fees for claims, if any, added by way of the preliminary amendment have been included in the calculation below.

10. Additional Papers Enclosed

- Preliminary Amendment
 Information Disclosure Statement (37 CFR 1.98)
 Form PTO-1449
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative
 Other _____

11. Fee Calculation (37 CFR 1.16)

A. Utility application

| CLAIMS AS FILED | | | | | |
|----------------------------------------------------------|--------------|--------|--------------|------|---------------------------------------------|
| | Number filed | | Number Extra | Rate | Basic Fee 37 CFR 1.16 (a) \$710.00 |
| Total Claims (37 CFR 1.16 (c)) | 3 | - 20 = | 0 | X | \$18.00 |
| Independent Claims (37 CFR 1.16 (b)) | 3 | - 3 = | 0 | X | \$80.00 |
| Multiple dependent claim(s), if any (37 CFR 1.16 (d)) | | | | X | \$270.00 |

- Amendment cancelling extra claims enclosed.
 Amendment deleting multiple-dependencies enclosed.
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 710.00

B. Design application

(\$330.00---37 CFR 1.16 (f))

Filing Fee Calculation \$

12. Small Entity Statement(s)

- Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.
Filing Fee Calculation (50% of A or B above)

- Applicant has established small entity status by the filing of a statement in parent application _____ on _____.
 A copy of the statement previously filed is included.

13. Request for International-Type Search (37 CFR 1.104 (d))

- Please prepare an international-type search report for this application at the time when national examination on the merits take place.

14. Fee Payment Being Made At This Time

- Not Enclosed
 No filing fee is to be paid at this time.
 Enclosed
 basic filing fee \$ 710.00

- recording assignment (\$40.00; 37 CFR 1.21 (h))
 petition fee for filing by other than all the inventors or person
on behalf of the inventor where inventor refused to sign or
cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17 (h))
 for processing an application with a specification in a non-
English language. (\$130.00; 37 CFR 1.52(d) and 1.17 (k))
 processing and retention fee
(\$130.00; 37 CFR 1.53 (d) and 1.21 (l))
 fee for international-type search report
(\$40.00; 37 CFR 1.21 (e)).

Total fees enclosed

\$ 710.00

15. Method of Payment of Fees

- Check in the amount of
 Charge Account No. 07-1250 in the amount of
A duplicate of this transmittal is attached. \$ 710.00

16. Power of Attorney

- The power of attorney in the prior application is to

| | | | |
|---------------------|--------|-------------------|--------|
| David J. Levy | 27,655 | James P. Riek | 39,009 |
| Charles E. Dadswell | 35,851 | Robert T. Hrubiec | 36,392 |
| Karen L. Prus | 39,337 | Frank P. Grassler | 31,164 |
| Robert H. Brink | 36,094 | Shah R. Makujina | 41,174 |
| Elizabeth Selby | 38,298 | | |

- A. The power appears in the original papers in the prior application (copy is enclosed).
B. Address all future communications to:

Mark L. Bosse
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404
(650) 522-5569

17. Contingent Petition for Extension of Time

If a paper is untimely filed in the subject application by applicant(s) or her/his/their
representative, the Commissioner is hereby petitioned under 37 C.F.R. §1.136(a)
for the minimum extension of time required to make said paper timely.

18. Authorization to Charge Additional Fees

- The Commissioner is hereby authorized by this document to charge any additional
fees which may be required by this paper and during the entire pendency of this
application to Account No. 07-1250, except the issue fee at or before mailing of
Notice of Allowance, pursuant to 37 CFR 1.311(b).

19. Instructions as to Overpayment

- credit Account No. 07-1250
 refund

Reg. No. 35,071
Tel. No.: (650) 522-5569

SIGNATURE OF ATTORNEY

Mark L. Bosse

Type or print name of attorney

Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

07/16/2001 MABDI1 00000037 071250 09903101

01 FC:101 710.00 CH

PTO-1556
(5/87)

*U.S. GPO: 1999-459-082/19144